

## Austin City Code

<b>ARTICLE II. THE COUNCIL.</b>
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**§ 1. COUNCIL MEMBERSHIP.**

(A) The council shall be composed of:

- (1) a mayor elected from the city at-large; and
- (2) 10 council members elected from single- member districts.

(B) The term “council member(s)” includes the mayor unless otherwise provided.

(C) The independent citizens redistricting commission, as prescribed below in Section 3, shall be empowered to divide the city into 10 geographical council districts for the election of council members. The commission shall designate each council district by a number or by other designation.

***Amendment note:***

*Section 1 appears as added at the election of November 6, 2012. A former § 1 concerned the number, selection, and terms of office for Council members; had previously been amended at the elections of May 13, 2006, January 19, 1985, April 5, 1969, and April 1, 1967; and was repealed at the election of November 6, 2012.*

**§ 2. ELIGIBILITY OF COUNCIL MEMBERS.**

(A) A candidate for mayor must meet all eligibility requirements of state law and must have resided continuously in the state for 12 months and in the city for six months immediately preceding the regular filing deadline for a mayoral candidate’s application for a place on the ballot. If the mayor ceases to reside in the city, the mayor automatically resigns.

(B) A candidate for city council from a council district must meet all eligibility requirements of state law and must have resided continuously in the state for 12 months and in the council district from which the member is seeking election for six months immediately preceding the regular filing deadline for a council candidate’s application for a place on the ballot. If a council member elected from a council district ceases to reside in the district as the boundaries of the district were drawn at the time of the council member’s election, the council member automatically resigns.

***Amendment note:***

*Section 2 appears as added at the election of November 6, 2012. A former § 2 concerned the qualifications for Councilmembers; had previously been amended at the election of April 1, 1978; and was repealed at the election of November 6, 2012.*

**§ 3. REDISTRICTING.**

(1) Each commission member shall be a voter who has been continuously registered in the City of Austin for five or more years immediately preceding the date of his or her appointment. Each commission member, except the student member described below, shall have voted in at least three of the last five city of Austin general elections immediately preceding his or her application. One commission member shall be a student duly enrolled in a community college or university in the City of Austin and who resides and is registered to vote in the City of Austin.

(2) The term of office of each member of the commission expires upon the appointment of the first member of the succeeding commission in the year following the year in which the national census is taken.

(3) Nine members of the commission shall constitute a quorum. Nine or more affirmative votes shall be required for any official action, including approval of a final plan establishing the boundaries of any council district.

(4) Each commission member shall apply this section in a manner that is impartial and that reinforces public confidence in the integrity of the redistricting process. A commission member shall be ineligible, for a period of 10 years beginning from the date of appointment, to hold elective public office for the City of Austin. A member of the commission shall be ineligible, for a period of three years beginning from the date of appointment, to hold appointive public office for the City of Austin, to serve as paid staff for or as a paid consultant to the City of Austin, the City Council or any member of the City Council, or to receive a non-competitively bid contract with the City of Austin. This three year ban on having a paid consultancy or entering noncompetitively bid contracts applies to the member individually and all entities for which the member is a controlling person.

(E) The commission shall establish the boundaries of the council districts for the City of Austin in a plan using the following criteria as set forth in the following order of priority:

(1) districts shall comply with the United States Constitution. Each council district shall have reasonably equal population with other districts, except where deviation is required to comply with the federal Voting Rights Act or allowable by law.

(2) districts shall comply with the federal Voting Rights Act (42 U.S.C. Sec. 1971 and following) and any other requirement of federal or state law.

(3) districts shall be geographically contiguous.

(4) the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes their division to the extent possible without violating the requirements of any of the preceding subsections. A community of interest is a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

(5) to the extent practicable, district boundaries shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant populations.

(6) to the extent practicable, district boundaries shall be drawn using the boundaries of existing election precincts.



(a) Within the five years immediately preceding the date of application, either the applicant or their spouse, shall have done any of the following:

(i) been appointed to, elected to, or have been a candidate for state or city office.

(ii) served as an officer, employee, or paid consultant of a political party or of the campaign committee of a candidate for elective state, county or city office.

(iii) been a registered state or local lobbyist.

(iv) contributed or bundled \$1,000 or more in aggregate to candidates for City of Austin elective office in the last city election.

(b) A person who has been, within the three years immediately preceding the date of application: a paid employee of the City of Austin; person performing paid services under a professional or political contract to the City of Austin, to the City Council, or to any member of the City Council; any controlling person of any such consultant; or a spouse of any of the foregoing.

(4) No later than February 15, 2013, and no later than October 1 in each year ending in the number zero, the City of Austin Auditor shall review the auditor review panel applicants and remove those who do not meet the prescribed qualifications in subdivision 3(A)(5) or have conflicts of interest as defined by subdivision 3(I)(3). No later than February 15, 2013, and no later than October 1 in each year ending in the number zero, the City of Austin Auditor shall at a public meeting randomly draw the names of three qualified independent auditors from a pool consisting of all qualified independent auditors, without conflicts of interest, that have applied to serve on the Applicant Review Panel. After the drawing, the City Auditor shall notify the three qualified independent auditors whose names have been drawn that they have been selected to serve on the panel. If any of the three qualified independent auditors declines to serve on the panel or is disqualified because of any conflict of interest prescribed above in subdivision 3(I)(2), the City of Austin Auditor shall resume the random drawing at a public meeting as soon as possible until three qualified independent auditors who meet the requirements of this section have agreed to serve on the panel.

(5) No later than March 1, 2013, and thereafter no later than October 31 in each year ending in the number zero, the City of Austin Auditor shall have reviewed and removed individuals with conflicts of interest as defined in subdivision 3(I)(3), or fail to meet the qualification prescribed in subdivision 3(D)(1), from among the commission applicants, and then shall publicize the names in the applicant pool and provide copies of their applications to the Applicant Review Panel.

(6) No later than May 1, 2013, and thereafter by January 15 in each year ending in the number one, the Applicant Review Panel shall select a pool of 60 applicants from among the qualified applicants. These persons shall be the most qualified applicants on the basis of relevant analytical skills, ability to be impartial, residency in various parts of the City, and appreciation for the City of Austin's diverse demographics and geography. The members of the Applicant Review Panel shall not communicate directly or indirectly with any elected member of the City Council, or their representatives, about any matter related to the nomination process or any applicant prior to the presentation by the panel of the pool of recommended applicants to the City Council.

(7) No later than May 2, 2013, and by January 16 in each year ending in the number one thereafter, the Applicant Review Panel shall submit its pool of 60 recommended applicants to the City Council. Each



council members), legal counsel, and consultants retained by the commission that is otherwise permitted by state and city open meeting requirements.

(4) the commission shall select one of its members to serve as the chair and one to serve as vice chair. The chair and vice chair shall remain voting members of the commission.

(5) the commission shall hire commission staff, legal counsel, and consultants as needed; provided, however, that compensation of such persons shall be limited to the period in which the commission is active. The commission shall establish clear criteria for the hiring and removal of these individuals, communication protocols, and a code of conduct. The commission shall apply the conflicts of interest listed in subdivision 3(I)(3) to the hiring of staff, legal counsel, and consultants. The commission shall require that at least one of the legal counsel hired by the commission has demonstrated extensive experience and expertise in implementation and enforcement of the federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971 and following). The commission shall make hiring, removal, or contracting decisions on staff, legal counsel, and consultants by nine or more affirmative votes.

(6) notwithstanding any other provision of law, no employer shall discharge, threaten to discharge, intimidate, coerce, or retaliate against any employee by reason of such employee's membership on the commission or attendance or scheduled attendance at any meeting of the commission.

(7) the commission shall establish and implement an open hearing process for public input and deliberation that shall be subject to public notice and promoted through an extensive outreach program to solicit broad public participation in the redistricting public review process. The hearing process shall begin with hearings to receive public input before the commission votes and approves a preliminary redistricting plan. In 2013, there shall be at least two such public hearings, before the commission votes on a preliminary plan, in each of the four Travis County Commissioner Precincts, and in each year ending in the number one thereafter, there shall be at least one such public hearing, before the commission votes on a preliminary redistricting plan in each of the then existing 10 council districts. In addition, these hearings shall be supplemented with all other appropriate activities to further increase opportunities for the public to observe and participate in the review process.

Following the commission's vote approving the preliminary plan, there shall be at least four public hearings, geographically dispersed with at least one hearing in each of the four Travis County Commissioners' precincts and hearing shall be held on a different date. The commission also shall display the approved preliminary plan for written public comment in a manner designed to achieve the widest public access reasonably possible. Written public comment shall be taken for at least 14 days from the date of public display of the approved preliminary plan. The commission then shall vote on a proposed final plan and then it shall hold two subsequent public hearings, one north of Lady Bird Lake and one south of Lady Bird Lake and take at least five days of written public comments. The Commission then shall be finished with all hearings and adopt a final plan by no later than December 1, 2013, and thereafter by November 1 in each year ending in the number one.

(8) members of the commission shall not be compensated for their service. Members of the panel and the commission are eligible for reimbursement of reasonable and necessary personal expenses incurred in connection with the duties performed pursuant to this act.

(9) the City Council shall appropriate sufficient funds to meet the operational cost of the commission and the cost of any outreach program to solicit broad public participation in the redistricting process.

SUBJECT: Allowing open meetings to be held by videoconference call

COMMITTEE: Government Efficiency and Reform — committee substitute recommended

VOTE: 7 ayes — Harper-Brown, Perry, Capriglione, Stephenson, Taylor, Scott Turner, Vo  
0 nays

WITNESSES: For — Matt Kramer, Sahs and Associates (*Registered, but did not testify*: Jim Allison, County Judges and Commissioners Association of Texas; Teresa Beckmeyer; John Dahill, Texas Conference of Urban Counties; Mark Mendez, Tarrant County; Seth Mitchell, Bexar County Commissioners Court; Craig Pardue, Dallas County)  
  
Against — None  
  
On — (*Registered, but did not testify*: Chad Lersch, Texas Department of Information Resources)

BACKGROUND: Under the Open Meetings Act, Government Code, sec. 551.127 contains provisions allowing governmental bodies to meet by videoconference call only if a quorum is physically present at one location. The law provides an exception allowing state governmental bodies or governmental bodies that extend into three or more counties to meet by videoconference call if a majority of the quorum is physically present at one location.

DIGEST: CSHB 2414 would allow governmental bodies to meet by videoconference call if certain conditions were met, regardless of whether a majority of body's quorum was physically present at one location.  
  
The bill would define "videoconference call" as a communication conducted between two or more persons in which one or more of the participants communicate via duplex audio and video signals transmitted over a telephone network, data network, or the Internet.  
  
A member of the governmental body could be counted present and participate remotely in a meeting by means of a videoconference call if the



numerous counties.

The bill would not decrease public participation. It would require the governmental body to make available a conveniently located physical space from which the public could provide testimony or otherwise participate via videoconference. There is no reason to assume that fewer members of the public would take advantage of this option than attend meetings in person today. In any case, this is strictly a permissive bill that would allow governmental bodies to meet by videoconference. Individual governmental bodies could choose to adopt policies that require a majority of its quorum to be physically present in one location at which the public could also convene.

According to the fiscal note, HB 2414 would impose minimal, if any, costs to local governments. Several state agencies reported to the Legislative Budget Board that costs to implement the provisions of CSHB 2414 could be absorbed within existing resources.

OPPONENTS  
SAY:

CSHB 2414 could significantly reduce public participation and interaction with members of governmental bodies. Not only would it allow videoconference meetings at which every member of the decision-making body was in a location separate from the public, the bill would not even require an employee of the governmental body to be present to facilitate public participation. The best opportunities for public participation come in meetings where the public and the members of the governmental body are in the same physical space.

While video technology continues to improve, it is not sufficiently reliable to ensure the public would be able to follow the proceedings of videoconference meetings. In addition, despite the projections in the fiscal note, there would be a cost for governmental bodies to purchase the cameras, microphones, and video displays required by CSHB 2414.

OTHER  
OPPONENTS  
SAY:

It would be fine to allow one or two members of the governmental body to participate in the meeting via videoconferencing technology, but the bill would go too far in no longer requiring that a majority of the quorum be present in a public location. At the very least, such permission should be restricted only to certain types of governmental bodies, such as multicounty groundwater conservation districts.

NOTES:

Compared to HB 2414 as filed, the committee substitute would:

## Charter Cites

By the language of the Charter, the first 8 Commissioners' selection of the later 6 were the '**appointments**' to the Commission of the last 6 Commissioners [See Charter Art. II, § 3, (I)(9)].

Need to be properly sworn in and able to fully take part in more than half of the Commission meetings in the next three month period of the Commission's activities [See Charter Art. II, § 3, (A)(7)].

If cannot be properly sworn in and 'attend' a majority of the Commission's meetings over the next few months, then the present Commissioners (13) with 10 votes would need to remove from the Commission with written notice, providing with an opportunity for a response [See Charter Art. II, § 3, (J)(1-2)].

Should this selection change take place the Charter-based priority of requirements for the new Commissioner should be: 1. From Pct. 3; 2. Female; and 3. Asian. Keep in mind that any one of those three characteristics can and will have to be set aside. It is up to you 13 to select the best that you can "to the extent feasible" [See Charter Art. II, § 3, (I)(9)].